

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

2008 MAY 22 AM 9:36

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose IRIBE-Garcia

Defendant.

'08 MJ 1598  
Magistrate Case No. \_\_\_\_\_

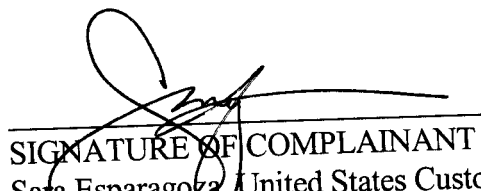
COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326  
Attempted Entry After  
Deportation


The undersigned complainant being duly sworn states:

On or about **May 20, 2008**, within the Southern District of California, defendant **Jose IRIBE-Garcia**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT  
Sara Esparagoza, United States Customs  
and Border Protection Enforcement Officer

Sworn to before me and subscribed in my presence this **22<sup>nd</sup>** day of **May, 2008**.

  
UNITED STATES MAGISTRATE JUDGE

**PROBABLE CAUSE STATEMENT**

On May 20, 2008 at approximately 5:58 PM, **Jose IRIBE-Garcia (Defendant)** made application for admission into the United States from Mexico at the San Ysidro, California Port of Entry via the pedestrian primary lanes. Upon inspection before a United States Customs and Border Protection (CBP) Officer, Defendant presented a valid Border Crossing Card bearing the name Jose Alfredo GARCIA-Tarango and stated he was going to the casino. The CBP Officer noticed Defendant was an impostor to the document presented and escorted him to secondary for further inspection.

In secondary, Defendant was confirmed to be an impostor to the document presented. Defendant was queried by fingerprint and photograph comparison through the Automated Biometric Identification System (IDENT). IDENT records identified Defendant as a citizen of Mexico who has been previously deported or removed. Defendant's identity was further verified by 10-digit fingerprint submission through the Integrated Automated Fingerprint Identification System (IAFIS). The IAFIS response linked Defendant to Immigration Service and FBI records.

Immigration Service records, including the Immigration Central Index System (CIS) and the Deportable Alien Control System (DACS), confirmed Defendant to be a citizen of Mexico without legal documents to enter the United States. DACS records indicate Defendant was ordered deported/removed from the United States by an Immigration Judge on or about April 24, 2008. Immigration Service records contain no evidence that Defendant has applied for or received permission from the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security, to legally re-enter the United States.

During a videotaped interview, Defendant was advised of his Miranda rights. Defendant acknowledged his rights and agreed to answer questions without benefit of counsel. Defendant admitted he is citizen of Mexico by birth in Sinaloa, Mexico. Defendant admitted he possesses no documents or other benefit that would permit his legal entry into the United States. Defendant admitted he was previously deported from the United States and removed to Mexico. Defendant admitted that he has not applied for or received permission from the United States government to legally re-enter the United States. Defendant stated he met a man named "Chino" who charged him \$4,000.00 USD for the Border Crossing Card. Defendant stated he was to return the document and pay "Chino" upon successfully crossing the border. Defendant admitted he was going to travel to Escondido, California.